

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114

PUBLIC HEARING

concerning

Consideration of an Administrative Civil Liability
for

**CITY OF TRACY
SAN JOAQUIN COUNTY**

The City of Tracy (hereafter Discharger) owns and operates the Tracy Wastewater Treatment Plant, which provides sewerage service to the City of Tracy. Treated municipal wastewater is discharged to Old River, a water of the United States, and part of the Sacramento-San Joaquin Delta.

On 21 October 2003 the Tracy Wastewater Treatment Plant experienced a failure of the sulfur dioxide feed system, which provides dechlorination of the effluent prior to final discharge to Old River. This resulted in the discharge of approximately 585,000 gallons of chlorinated effluent to Old River, violating WDR Order No. 96-104.

The Executive Officer of the California Regional Water Quality Control Board, Central Valley Region (hereafter Regional Board), issued a complaint for Administrative Civil Liability in the amount of \$120,000 to the Discharger for the discharge of up to 585,000 gallons of chlorinated effluent to Old River. The Complaint was issued for violations of Waste Discharge Requirements (WDR) Order No. 96-104 (NPDES No. CA0079154), pursuant to California Water Code (CWC) section 13385, which authorizes the imposition of Administrative Civil Liability.

A formal public hearing concerning this matter was held on 16 September 2005, at the Regional Board office in Rancho Cordova, California. The Regional Board heard testimony concerning a tentative ACL order, which proposed an administrative civil liability of \$120,000. The Regional Board concluded that it was appropriate, after considering the factors in CWC section 13385, to assess civil liability in the amount of \$80,000, with 50 percent going towards an acceptable supplemental environmental project (SEP). It continued the hearing to a later date to allow for consideration of an alternative SEP to that already proposed. At the continued hearing, the Regional Board will consider the proposed SEP.

A **formal** public hearing concerning this matter will be held during the Regional Board meeting, which is scheduled for:

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DATE: 20/21 October 2005
TIME: 8:30 AM
PLACE: CV-RWQCB Board Room
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670

The designated parties for this hearing are as follows:

- Staff of Central Valley Regional Board
- City of Tracy

Only designated parties will have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. All other persons wishing to testify or provide comments are interested persons and not designated parties.

The tentative Administrative Civil Liability Order was issued for public comment on **17 May 2005**. Comments on the tentative Administrative Civil Liability Order were due by **16 June 2005**. For the hearing on 20/21 October, comments will be accepted only on the proposed supplemental environmental project described in Attachment A of the tentative ACL Order, and those comments are due by **17 October 2005**.

All designated parties and interested persons may speak at the Regional Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Board Chair.

Anyone having questions on the Administrative Civil Liability should contact Mr. James Marshall at (916) 464-4772. Interested parties may download the proposed Order and related documents from the Regional Board's Internet website at <http://www.waterboards.ca.gov/centralvalley/tentative/>. Copies of these documents can also be obtained by contacting or visiting the Regional Board's office at 11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114 weekdays between 8:00 a.m. and 5:00 p.m.

The procedures governing Regional Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and is available upon request. Hearings before the Regional Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing http://www.waterboards.ca.gov/water_laws/. Information on meeting and hearing procedures is also available on the Regional Board's website at http://www.waterboards.ca.gov/centralvalley/board_meetings/mtgprocd.html or by contacting any one of the Regional Board's offices. Questions regarding such procedures should be directed to Ms. Janice Tanaka at (916) 464-4839. **The exact date and location will be provided in the agenda that will be available 10 days prior to the meeting.**

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The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Janice Tanaka at (916) 464-4839 at least 5 working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who would be interested in this matter.

KENNETH D. LANDAU, Assistant Executive Officer

3 October 2005